



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,065	04/26/2001	Carl Phillip Gusler	AUS920010250US1	8471
45993	7590	01/13/2006	EXAMINER KOPPIKAR, VIVEK D	
IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			ART UNIT 3626	
PAPER NUMBER				

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Status of the Application*

1. This communication is in response to the Amendment received on December 19, 2005.

Claims 1-12 have been examined in this application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable by US Patent Number 6,587,835 to Treyz in view of US Patent Number 6,057, 856 to Miyashita and in further view of US Patent Number 5,208,665 to McCalley.

(A) As per claim 1, Treyz teaches a method of presenting information regarding products, suppliers and offerors to users in a virtual shopping mall on a communications terminal, said communications terminal having a user graphical display, a user input, and a memory (Abstract: Treyz), said method comprising:

storing in said memory a set of mall data objects, said mall data objects comprising a graphical map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

assigning a customer an initial position having a set of coordinates within the shopping mall (Col. 37, Ln. 14 and Figure 45);

presenting at least one multimedia data object to a user indexed to said initial position (Col. 37, Ln. 14-15 and Figure 45);

updating said initial position to a subsequent position responsive to a position change command from a user via said user input (Col. 37, Ln. 18-20 and Figure 45); and

presenting at least one multimedia object to a user indexed to said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

Treyz does not teach the feature wherein the multimedia object includes at least one audio object, the audio object being presented exclusively to said customer position in simulation of audio for said position in the mall; however this feature is well-known in the art as evidenced by Miyashita (Figures 29-31; Col. 5, Ln. 4-16; Col. 12, Ln. 18-35; Col. 12, Ln. 58-61 and Col. 26, Ln. 47-50). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Treyz with the aforementioned feature from Miyashita with the motivation of providing users with a high-quality three-dimensional presentation capability and bidirectional communications of voice, music and moving picture signals, and a large-scale distribution system that allows a lot of people to share constructed space, as recited in Miyashita (Col. 5, Ln. 10-16).

In the combined method of Treyz in view of Miyashita the audio object is not a background audio object. However, this feature is well known in the art as evidenced by McCalley (Col. 1, Ln. 39-53; Col. 6, Ln. 27-41 and Col. 6, Ln. 68-Col. 7, Ln. 3). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Treyz in view of Miyashita with the aforementioned feature from McCalley with the motivation of providing a more enhanced means to a user of shopping from the comfort

of their own home while obtaining detailed information on particular items, as recited in McCalley (Col. 1, Ln. 50-53).

(B) As per claim 2, in the combined method of Treyz in view of Miyashita and McCalley includes the step of presenting a multimedia data object which comprise presenting a visual image of a mall or store interior (Treyz: Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(C) As per claim 3, in the combined method of Treyz in view of Miyashita and McCalley the step of presenting a visual image of a mall or store interior further comprises the steps of providing a customer-selectable hot spot within said visual image and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Treyz: Col. 37, Ln. 14-20).

(D) As per claim 5, Treyz teaches a computer readable medium encoded with software for presenting information regarding products, suppliers and offerors to users in a virtual shopping mall on a communications terminal, said communications terminal having a user graphical display, a user input, and a memory, said software when executed by said communications terminal causing the communications terminal to perform the following actions (Treyz: Abstract and Col. 17, Ln. 27-45),

storing in said memory a set of mall data objects, said mall data objects comprising a graphical map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

providing a map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall (Col. 37, Ln. 14 and Figure 45);

assigning a customer an initial position having a set of coordinates within the shopping mall (Col. 37, Ln. 14-15 and Figure 45);

presenting at least one multimedia data object to a customer indexed to said initial position (Col. 37, Ln. 18-20 and Figure 45);

updating said initial position to a subsequent position responsive to a position change command from a user received via said user input (Col. 37, Ln. 18-20 and Figure 45);

presenting at least one multimedia data object to a customer indexed to said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

Treyz does not teach the feature wherein the multimedia object includes at least one audio object, the audio object being presented exclusively to said customer position in simulation of audio for said position in the mall; however this feature is well-known in the art as evidenced by Miyashita (Figures 29-31; Col. 5, Ln. 4-16; Col. 12, Ln. 18-35; Col. 12, Ln. 58-61 and Col. 26, Ln. 47-50). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the device of Treyz with the aforementioned feature from Miyashita with the motivation of providing users with a high-quality three-dimensional presentation capability and bidirectional communications of voice, music and moving picture signals, and a large-scale distribution system that allows a lot of people to share constructed space, as recited in Miyashita (Col. 5, Ln. 10-16).

In the combined device of Treyz in view of Miyashita the audio object is not a background audio object. However, this feature is well known in the art as evidenced by McCalley (Col. 1, Ln. 39-53; Col. 6, Ln. 27-41 and Col. 6, Ln. 68-Col. 7, Ln. 3). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the

Art Unit: 3626

combined device of Treyz in view of Miyashita with the aforementioned feature from McCalley with the motivation of providing a more enhanced means to a user of shopping from the comfort of their own home while obtaining detailed information on particular items, as recited in McCalley (Col. 1, Ln. 50-53).

(E) As per claim 6, the combined device of Treyz in view of Miyashita and McCalley the software performs the step of presenting a multimedia data object comprise presenting a visual image of a mall or store interior (Treyz: Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(F) As per claim 7, in the combined device of Treyz in view of Miyashita and McCalley the software performs the step of presenting a visual image of a mall or store interior further comprise the steps of providing a customer-selectable hot spot within said visual image; and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Treyz: Col. 37, Ln. 14-20).

(G) As per claim 9, Treyz teaches a geographically-centered shopping mall browser for presenting information regarding products, suppliers and offerors to users in a virtual shopping mall using a communications terminal, said communications terminal having a user graphical display, a processor, a user input, and a memory, said shopping mall browser comprising (Treyz: Abstract and Col. 17, Ln. 27-45),

a set of mall data objects disposed in said memory, said mall data objects comprising a graphical map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

a mall map displayer for showing on said communications terminal graphical display a geographical organization of a virtual mall contents (Col. 37, Ln. 14 and Figure 45);

a customer position initializer for assigning an initial user position having a set of coordinates within the virtual shopping mall (Col. 37, Ln. 14-15 and Figure 45),

a position tracker for updating said initial position to a subsequent position responsive to a position change command from a user via said user input (Col. 37, Ln. 18-20 and Figure 45);

a multimedia data object presenter for presenting at least one multimedia object to a customer indexed to said initial position or said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

Treyz does not teach the feature wherein the multimedia object includes at least one audio object, the audio object being presented exclusively to said customer position in simulation of audio for said position in the mall; however this feature is well-known in the art as evidenced by Miyashita (Figures 29-31; Col. 5, Ln. 4-16; Col. 12, Ln. 18-35; Col. 12, Ln. 58-61 and Col. 26, Ln. 47-50). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Treyz with the aforementioned feature from Miyashita with the motivation of providing users with a high-quality three-dimensional presentation capability and bidirectional communications of voice, music and moving picture signals, and a large-scale distribution system that allows a lot of people to share constructed space, as recited in Miyashita (Col. 5, Ln. 10-16).

In the combined system of Treyz in view of Miyashita the audio object is not a background audio object. However, this feature is well known in the art as evidenced by



Art Unit: 3626

McCalley (Col. 1, Ln. 39-53; Col. 6, Ln. 27-41 and Col. 6, Ln. 68-Col. 7, Ln. 3). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Treyz in view of Miyashita with the aforementioned feature from McCalley with the motivation of providing a more enhanced means to a user of shopping from the comfort of their own home while obtaining detailed information on particular items, as recited in McCalley (Col. 1, Ln. 50-53).

(H) As per claim 10, the combined system of Treyz in view of Miyashita and McCalley performs the step of presenting a multimedia data object comprise presenting a visual image of a mall or store interior (Treyz: Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(I) As per claim 11, in the combined system of Treyz in view of Miyashita and McCalley the software performs the step of presenting a visual image of a mall or store interior further comprise the steps of providing a customer-selectable hot spot within said visual image; and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Treyz: Col. 37, Ln. 14-20).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Miyashita and McCalley as applied to Claim 1 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 4, the combined method of Treyz in view of Miyashita and McCalley does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of

Art Unit: 3626

Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

In the combined method of Treyz in view of Miyashita, McCalley and Schileru-Key the background sound is a background music (McCalley: Col. 1, Ln. 42-47).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Miyashita and McCalley as applied to Claim 5 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 8, the combined device of Treyz in view of Miyashita and McCalley does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the software disclosed in Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

In the combined device of Treyz in view of Miyashita, McCalley and Schileru-Key the background sound is a background music (McCalley: Col. 1, Ln. 42-47).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Miyashita and McCalley as applied to Claim 9 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 12, the combined system of Treyz in view of Miyashita and McCalley does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system disclosed in Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

In the combined system of Treyz in view of Miyashita, McCalley and Schileru-Key the background sound is a background music (McCalley: Col. 1, Ln. 42-47).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground of rejection.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

  
Vivek Koppikar

1/9/2006

  
**JOSEPH THOMAS**  
SUPERVISORY PATENT EXAMINER